

AN ORDINANCE BY HOWARD SHOOK

H. Shook

**AN ORDINANCE TO AMEND CHAPTER TWO, ARTICLE II, DIVISION 2, SUBDIVISION I, SECTION 2-69 (ENTITLED, "QUORUM; VOTE REQUIRED FOR PASSAGE OF LEGISLATION.") AND CHAPTER TWO, ARTICLE II, DIVISION 2, SUBDIVISION II, SECTION 2-96(c) (ENTITLED, "PRESENCE AT MEETINGS; VOTING ON QUESTIONS.") OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, SO AS TO REQUIRE AN AFFIRMATIVE VOTE OF TWO-THIRDS OF THE TOTAL MEMBERSHIP OF THE CITY COUNCIL TO APPROVE ANY ORDINANCE THAT WOULD RESULT IN NEW FEES AND TAXES OR AN INCREASE IN EXISTING TAXES, FEES, OR BOND INDEBTEDNESS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Charter of the City of Atlanta, Georgia, 1996 Ga. Laws P. 4469, et seq. (hereinafter "the Charter") establishes the powers and authority of the City Council;

**WHEREAS**, Article 2, Chapter 3, Section 2-302(a) of the Charter provides that the City Council can, by ordinance, adopt and publish rules to govern its proceedings and transaction of business consistent with the provisions of the Charter;

**WHEREAS**, it is the wish of the City Council to require an affirmative vote of two-thirds of the total membership of the City Council to approve any ordinance that would result in any new fees and ad valorem taxes, or an increase in existing ad valorem taxes, an increase of existing fees, or an increase in the City's bond indebtedness; and

**WHEREAS**, Chapter Two, Article II, Division 2, Subdivision I, Section 2-69 and Chapter Two, Article II, Division 2, Subdivision II, Section 2-96(c) of the Code of Ordinances require an affirmative vote of a simple majority of councilmembers then constituting the membership of the city council for the passage of all types of legislation

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:**

**Section 1:** That Chapter Two, Article II, Division 2, Subdivision I, Section 2-69 of the Code of Ordinances of the City of Atlanta be amended to read as follows:

**Section 2-69. Quorum; vote required for passage of legislation.**

A majority of councilmembers then constituting the membership of the Atlanta City Council, not including the president, shall constitute a quorum. The vote of a majority of the councilmembers then constituting the membership of the Atlanta City Council shall be required for the passage of ordinances, resolutions, and matters of parliamentary procedure, **except that the affirmative vote of two-thirds of the total membership of the council shall be required for the passage of ordinances that would result in any of the following: a**

**new fee, a new ad valorem tax, an increase in existing ad valorem taxes, an increase of existing fees, or an increase in the city's bond indebtedness.** The abstention of any member shall not be counted as a vote for the either side of the matter at issue.

**Section 2:** That Chapter Two, Article II, Division 2, Subdivision II, Section 2-96 of the Code of Ordinances of the City of Atlanta be amended to read as follows:

**Section 2-96. Presence at meetings; voting on questions.**

(a) Each member of the council shall be present within the chambers of the council during the entirety of each meeting of the council, unless excused or necessarily prevented from being in attendance. Should a member of the council arrive at the meeting after the roll call has been tallied and reported, it is incumbent upon that member to officially declare, for the record, the member's presence at the meeting to the president of council.

(b) Each member shall vote on each question put before the council unless prevented from doing so by the member's compliance with section 2-813 of this Code. The abstention of any member shall not count as a vote for either side of any issue. No member may fulfill the member's obligation to cast a vote on each question put before the council by stating "present."

(c) The affirmative vote of a quorum of the councilmembers then constituting the membership of the Atlanta city Council shall be required for the passage of any ordinance, resolution or other city council legislation, **except that the affirmative vote of two-thirds of the total membership of the council shall be required for the passage of ordinances that would result in any of the following: a new fee, a new ad valorem tax, an increase in existing ad valorem taxes, an increase of existing fees, or an increase in the city's bond indebtedness.**

**Section 3:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

## **AN ORDINANCE BY HOWARD SHOOK**

**AN ORDINANCE TO AMEND CHAPTER TWO, ARTICLE II, DIVISION 2, SUBDIVISION II, SECTION 2-105 (ENTITLED, "ESTABLISHMENT OR CHANGE IN FEES FOR SERVICE; NOTICE TO PUBLIC.") OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, SO AS TO REQUIRE AN AFFIRMATIVE VOTE OF TWO-THIRDS OF THE TOTAL MEMBERSHIP OF THE CITY COUNCIL TO APPROVE ANY ORDINANCE THAT WOULD RESULT IN ANY NEW FEES OR AN INCREASE IN EXISTING FEES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Charter of the City of Atlanta, Georgia, 1996 Ga. Laws P. 4469, et seq. (hereinafter "the Charter") establishes the powers and authority of the City Council;

**WHEREAS**, Article 2, Chapter 3, Section 2-302(a) of the Charter provides that the City Council can, by ordinance, adopt and publish rules to govern its proceedings and transaction of business consistent with the provisions of the Charter;

**WHEREAS**, it is the wish of the City Council to require an affirmative vote of two-thirds of the total membership of the City Council to approve any ordinance that would result in any new fees or an increase of existing fees; and

**WHEREAS**, Chapter Two, Article II, Division 2, Subdivision II, Section 2-105 provides for rules regarding the establishment or change in fees for service and notice of this establishment or change to the public.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:**

**Section 1:** That Chapter Two, Article II, Division 2, Subdivision II, Section 2-105 of the Code of Ordinances of the City of Atlanta be amended to read as follows:

**Sec. 2-105. Establishment or change in fees for service; notice to public.**

(a) **The affirmative vote of two-thirds of the total membership of the council shall be required for the passage of ordinances that would result in any new fees or the increase of existing fees.**

(b) The city council shall not adopt any ordinance or resolution, the purpose of which is to establish a new fee, or charge, or to increase the amount of any existing fee, or charge unless and until all of the following procedures have been performed:

(1) A notice of pending legislation establishing any such fee or fee change has been published at least once in a newspaper of general circulation not less than 30 days prior to final council action pertaining to any such fee or fee change.

(2) The public shall have a period of not less than 30 days after the introduction of any legislation proposing any such new fee or fee change, to submit written comments to the council c/o the municipal clerk.

(3) The appropriate standing committee of the council shall hold at least one public hearing regarding legislation proposing any such new fee or fee change.

(4) Written notice of legislation proposing any such new fee, or charge or to increase the amount of any existing fee, or charge may be provided, for information purposes only, to the Atlanta Planning Advisory Board (APAB) and each neighborhood planning unit (NPU) neighborhood organizations within 30 days after the introduction of any such legislation. Written notice of any such proposed new fee, or charge or increase in any such fee, or charge, may be placed on each NPU agenda for information purposes only.

(c) Any legislation establishing or changing a fee in violation of subsection (b) above, shall be void.

(d) This section shall not be applicable to any service fees related to the operation of the airport.

**Section 2:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

## **AN ORDINANCE BY HOWARD SHOOK**

**AN ORDINANCE TO AMEND CHAPTER 146, DIVISION 1, ARTICLE II, SECTION 146-26 (ENTITLED, "LEVY."), OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, SO AS TO REQUIRE AN AFFIRMATIVE VOTE OF TWO-THIRDS OF THE TOTAL MEMBERSHIP OF THE CITY COUNCIL TO APPROVE ANY ORDINANCE THAT WOULD RESULT IN AN INCREASE IN NEW AD VALORUM TAXES OR AN INCREASE IN CURRENT AD VALORUM TAXES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Charter of the City of Atlanta, Georgia, 1996 Ga. Laws P. 4469, et seq. (hereinafter "the Charter") establishes the powers and authority of the City Council;

**WHEREAS**, Article 2, Chapter 3, Section 2-302(a) of the Charter provides that the City Council can, by ordinance, adopt and publish rules to govern its proceedings and transaction of business consistent with the provisions of the Charter;

**WHEREAS**, it is the wish of the City Council to require an affirmative vote of two-thirds of the total membership of the City Council to approve any ordinance that would result in any new ad valorum taxes or an increase in existing ad valorum taxes.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:**

**Section 1:** That Chapter 146, Division 2, Article II, Section 146-26 of the Code of Ordinances of the City of Atlanta be amended to read as follows:

### **Sec. 146-26. Levy.**

(a) **The affirmative vote of two-thirds of the total membership of the council shall be required for the passage of ordinances that would result in any new ad valorum taxes or an increase in existing ad valorum taxes.**

(b) *Purposes.* For the purposes of raising revenues for the support and maintenance of the city government, for the purpose of raising revenue for the payment of principal and interest on the bonded indebtedness of the city, for the purpose of providing improvements for the public parks and for the purpose of raising revenue for the support and maintenance of education, the taxes set forth in this article are levied and assessed, such levies and assessments to continue each year until amended or repealed.

(c) *General levy.* An ad valorem tax at the rate of \$12.49 less an amount equal to \$4.96 for the rollback of 2008 anticipated sales tax revenue less \$0.44 for millage equivalent rate rollback, to yield a net ad valorem tax at the rate of \$7.09 on every \$1,000.00 or any part thereof of the value of all real and personal property which under the laws of this state is subject to taxation within the corporate limits of the city for this purpose, is hereby levied.

(d) *Bonded indebtedness.* An ad valorem tax at the rate of \$1.41 less \$0.08 for millage equivalent rate rollback to yield a net ad valorem tax at the rate of \$1.33 on every \$1,000.00 or any part thereof of the value of all real and personal property, which, under the laws of this state is subject to taxation within the corporate limits of the city for the purpose of raising revenue for the payment of principal and interest on bonded indebtedness for the City of Atlanta, is hereby levied. An ad valorem tax at the rate of \$.054 on every \$1,000.00 or part thereof of the value of all real and personal property, which, under the laws of this state is subject to taxation within the corporate limits of the city for the purpose of raising revenue for the payment of principal and interest on bonded indebtedness for the Atlanta Board of Education, is hereby levied.

(e) *Parks.* An ad valorem tax at the rate of \$0.50 on every \$1,000.00 or any part thereof of the value of all real and personal property which under the laws of this state, is subject to taxation within the corporate limits of the city for the purpose of raising revenue for the improvement of the public parks of the city, is hereby levied.

(f) *Education levy.* An ad valorem tax at the rate of \$22.649 on every \$1,000.00 or any part thereof of the value of all real and personal property which under the laws of this state is subject to taxation within the corporate limits of the city for this purpose; is hereby levied.

(g) *Special tax district.* An ad valorem tax at the rate of \$0.956 on every \$1,000.00 or any part thereof of all real and personal property within that portion of the City of Atlanta lying in DeKalb County, which under the laws of this state is subject to taxation within the corporate limits of the City of Atlanta for the purpose of raising revenue to provide for library services to residents of the City of Atlanta in DeKalb County, is hereby levied.

(h) *Components listed on bills.* The tax commissioner of Fulton County, by copy of this section, is requested to specifically list all components of the bonded indebtedness levy of the city, and the board of education and the general levy of the city, as set forth in subsections (c), (d) and (f) of this section, on tax bills to be rendered to citizens of the city.

**Section 2:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.